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Foreign Policy

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Intelligence Bills Pending:

Reagan Facing Hill Challenge To U.S. Role in Angolan War

President Reagan's policy of giving "covert" aid to anti-government guerrillas in Angola will face its first public congressional test when the House considers a bill authorizing funds for the CIA and other intelligence agencies, possibly the week of Sept. 8.

The bill (HR 4759) includes a provision barring aid to Angolan guerrillas unless it has been publicly debated and approved in advance by Congress. If enacted into law, that provision would force Reagan to make a choice: either end the CIA's support of the Angolan faction called UNITA or make U.S. backing fully public.

The provision was sponsored by Democratic leaders of the House Intelligence Committee, who were angered by Reagan's decision to aid UNITA over their objections. When the bill reaches the House floor, Republican leaders will move to strike the provision.

Even if the Angola provision is approved by the House, it is unlikely to be enacted into law this year. The Republican-led Senate repeatedly has opposed such restrictions on CIA covert operations, and administration officials are confident the Senate will block the House language on Angola.

The intelligence bill itself faces an uncertain future this year, for the first time in the 10 years that Congress has passed annual authorizations for intelligence operations. Largely because of disputes over the Angola provision and the similar issue of U.S. aid to Nicaraguan "contras," neither chamber has yet considered an intelligence bill. The press of business in September could prevent the Senate from acting on its bill (S 2477) or a conference committee from resolving all issues before the scheduled Oct. 3 adjournment.

If Congress does not enact an authorizations bill, most provisions would be handled in an omnibus con-

tinuing appropriations resolution for fiscal 1987. (Related story, p. 2059)

The House intelligence bill also contains a provision sharply restricting the types of aid the CIA can provide the rebels who are trying to overthrow the government of Nicaragua. It would bar the agency from giving the contras any support other than intelligence information and advice.

However, the bulk of that provision would be superseded by another bill (HR 5052) providing \$100 million in military and economic aid to the contras. That bill, which allows re-



Angolan rebel leader Jonas Savimbi inspects his troops. 'Covert' aid to his group has angered House Democrats.

newed CIA involvement with the contras, may go to conference committee in September.

One contra aid issue that probably will be resolved in the intelligence bill or in the continuing resolution is the House committee's insistence that the CIA be prohibited from using its secret contingency fund to give aid to the contras in addition to the \$100 million. Unless such a provision were enacted into law, Reagan could order the CIA to tap into its multimillion-dollar fund, over the likely objections of the House committee.

The Senate panel did not bar CIA contingency funding of the contras, but it warned the administration on the general subject. In its report, the committee said it would view "with great concern" the CIA's use of the fund for covert actions when neither Intelligence panel had given approval. And if only one of the committees has objected, the president "should take that committee's concerns fully into account," the panel said. (Contra issues, Weekly Report p. 1876)

Angola Provision

Reagan in February ordered the CIA to provide up to \$15 million worth of arms, ammunition and supplies to UNITA, headed by Jonas Savimbi. Although the aid was supposed to be secret, administration officials, members of Congress and UNITA representatives in Washington have discussed it publicly.

UNITA in 1976 lost a civil war for control of Angola to a Marxist faction backed by the Soviet Union and Cuba. But UNITA has continued its battle, relying primarily on South Africa.

Congress in 1976 barred U.S. support for UNITA, but modified that prohibition in 1980 and repealed it in 1985. The landmark vote on the issue came in July 1985, when the House adopted an amendment to a foreign aid bill (PL 99-83) repealing the Angola restriction. The vote was 236-185. (1985 Almanac p. 51)

Savimbi appealed for U.S. aid during a trip to Washington early this year, taking his case to Reagan. Savimbi may return this fall to press for more money and arms. (Weekly Report pp. 457, 264)

Officially informed of the aid proposal in February, the House Intelli-

—By John Felton

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gence Committee objected, saying the goals were unclear and that U.S. involvement would jeopardize prospects for a negotiated settlement of the war.

Committee Chairman Lee H. Hamilton, D-Ind., and his fellow Democrats then introduced legislation (HR 4276) barring aid to any Angolan military factions unless the president publicly requests the aid and Congress approves it by passing a joint resolution.

The Intelligence panel approved Hamilton's bill in March and the Foreign Affairs Committee approved it in May. However, the bill never reached the floor, largely because of opposition from Foreign Affairs Chairman Dante B. Fascell, D-Fla., and Rules Committee Chairman Claude Pepper, D-Fla. The strongest supporters of aid to UNITA have been Cuban-Americans in Florida who object to the presence of some 30,000 Cuban troops in Angola. Both Fascell and Pepper represent districts with heavy concentrations of Cuban immigrants.

With action on HR 4276 stalled, Hamilton included that measure in the intelligence authorizations bill approved by his committee on July 17.

While opposing Reagan's policy, Hamilton has said his amendment is needed to preserve congressional prerogatives on foreign issues.

He inserted language in the committee report saying that the president "cannot expect sustained support for foreign policy initiatives, including covert action operations, that are generally unpopular or where a covert action mechanism can be viewed as having been chosen to avoid public debate or a congressional vote on the matter."

Committee Republicans objected to the Hamilton provision, saying it reduces the president's flexibility. The provision, they said, "reflects a naive assumption that the United States can conduct all aspects of its foreign policy in public. . . ."

In an Aug. 11 "Dear Colleague" letter, the Republicans said the upcoming House vote on the matter would be "a referendum on the process for congressional oversight of intelligence activities."

Although the July 1985 vote might appear to put the House on record as favoring aid to UNITA, sources on both sides of the issue said this year's vote could be much closer. One major reason is that opponents of aid to UNITA are capitalizing on congressional unhappiness with Reagan's policies toward South Africa, the prin-

cipal sponsor of the guerrillas. Reagan critics say the United States should not cast its lot with a faction backed by the white-minority government in Pretoria. (*South Africa*, p. 2067)

Intelligence Budget

The Senate Intelligence Committee reported its bill (S Rept 99-307) on May 21, and the House panel issued its report (H Rept 99-690, Part 1) on July 17.

As in the past, both committees refused to make public any significant information about the budgets or operations of U.S. intelligence agencies. Nearly all budget details were included in a classified "annex" to the bill. (*Background, 1985 Almanac* p. 96)

According to published reports, Reagan requested about \$24 billion for all intelligence programs in fiscal 1987. About half of that is broadly defined as the National Foreign Intelligence Program, which includes the CIA, the National Security Agency, the National Reconnaissance Office, the Defense Intelligence Agency and other bureaus that collect and analyze information for use by the State Department, the White House and other policy makers.

The other half is spent on military intelligence programs, technically called Tactical Intelligence and Related Activities. Those programs collect information of value primarily to the armed forces, such as the location of Soviet ships and ground forces. Because of differing rules, the House committee shares jurisdiction with the Armed Services Committee over tactical programs, while the Senate committee has no supervisory role.

Both committees noted that intelligence programs will face pressure for budget cuts because of the Gramm-Rudman deficit control law (PL 99-177). But they came to the opposite conclusion about whether such cuts should be made.

The Senate committee said intelligence programs "must be protected from arbitrary limits" on spending. Because of overall cuts in defense spending — where the intelligence budget is hidden — those programs faced real, after-inflation reductions in fiscal 1986, the committee said.

The budget problem was compounded by failures in the space program that crippled the U.S. ability to launch new and replacement intelligence satellites. The explosions of the *Challenger* space shuttle in January and a Titan missile in April — coupled with previous budget cuts —

placed "U.S. intelligence in its most serious crisis in decades," the Senate panel said.

While saying it supported improved programs, the House committee said intelligence agencies must share in the government's budget pain. The committee said it was recommending a "significant reduction" from Reagan's request. While refusing to provide any direct information on the size of the cut, the committee said the reduction was "commensurate" with that applied to overall defense spending.

The cuts would be achieved by deferring some programs, deleting others and increasing some others, the committee said, producing "a reasonable balance between needed capabilities and prudent cost."

Repeating earlier warnings, the House panel said the intelligence budget squeeze will persist and that "little real growth can be expected for the next several years."

The bills gave budget information for only two items:

- The Intelligence Community staff, which serves the Director of Central Intelligence in his capacity as coordinator of all intelligence agencies. The House bill provided \$21.7 million, for 235 full-time staff members, and the Senate bill \$22.3 million, for 239 full-time staffers, in fiscal 1987. Reagan had requested \$22.9 million for 246 employees. The 1986 authorized amount was \$21 million.

- The CIA's retirement and disability fund, set at \$125.8 million.

Soviets at the U.N.

The Senate committee approved three provisions as part of its long crusade to curtail espionage by Soviet officials, especially those at the United Nations in New York.

One provision would allow the State Department to include commercial agencies owned by foreign governments in the definition of "foreign missions" in the United States. That would make them subject to travel and other restrictions imposed on diplomats from communist countries.

As an example, the committee pointed to the Soviet trading company AMTORG, which U.S. intelligence officials have charged is partly a front for espionage activities.

A related provision would require business representatives from Soviet-bloc countries to register as foreign agents in the United States. Current law exempts diplomats and business-

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men from the requirement that all foreign agents must register with the Justice Department. The committee bill also would require registrations by persons convicted of espionage or export law violations.

The third provision stated the policy of Congress that the number of Soviet citizens allowed to serve at the Soviet missions to the United Nations should not "substantially exceed" the number of American personnel at U.S. missions to the United Nations.

The committee noted that some 600 Soviet officials work at the United Nations — half for the main Soviet mission and half for the United Nations itself. The mission in New York "is one of the chief havens for Soviet spies in the United States," the committee said, citing FBI figures that about one-third of the 300 mission personnel are professional intelligence officers. (*Background, 1985 Weekly Report p. 1122*)

The committee praised a State Department announcement on March 7 that the number of personnel allowed the Soviet Union's U.N. mission would be cut to 170. However, the committee said it wanted to legislate the call for cutbacks.

Other Major Provisions:

- Both bills amend 1978 banking privacy legislation (PL 95-630) to give the FBI authority, in counterintelligence investigations, to subpoena bank records of individuals, companies or other entities suspected of being a foreign power or an agent of a foreign power. This provision would pre-empt state laws and constitutional provisions that set stricter privacy protection standards than the 1978 federal law. The provision also prohibits financial institutions from telling customers that their records have been subpoenaed for counterintelligence investigations. In most other cases, bank customers must be notified when their bank records are subpoenaed by federal authorities.

- Both bills give the FBI the same mandatory access to state and local criminal records as other U.S. agencies have for background checks to determine whether federal employees should receive security clearances.

- The Senate bill gives the FBI the authority to subpoena telephone company records of individuals or groups suspected of representing foreign agents, for the purposes of conducting counterintelligence. However, the House committee did not include this

South Africa Bill: Down to the Wire?

House and Senate leaders appear to be engaged in a war of nerves over whether South Africa sanctions legislation will go to a conference committee.

Key House members are asking for a conference on a bill (HR 4868) imposing sanctions against the white-minority government in South Africa.

But Richard G. Lugar, R-Ind., chairman of the Senate Foreign Relations Committee, is putting pressure on the House to forgo a conference and instead accept the Senate-passed version. Unless the House does so, he said Sept. 2, opponents may be able to stall the bill, enabling President Reagan to pocket-veto it after Congress' scheduled Oct. 3 adjournment.

The next move is up to the Senate, which passed its bill over Reagan's opposition on Aug. 15. The Senate has not yet appointed conferees or returned the bill to the House, which originated it in June. However, aides in both chambers said work already has begun on getting papers in order so a conference could be held. (*Background, Weekly Report p. 1982*)

Lugar said that simply beginning a conference might be a "prodigious political feat," because sanctions opponents are prepared to filibuster the naming of conferees. Once a conference begins, he added, there will be "quite a discussion," and a conference report itself can be filibustered.

A senior House aide said leaders are "pushing hard" for a conference immediately after Congress returns Sept. 8, and that the House is "prepared to be reasonable, if the Senate is prepared to be flexible."

One House option is to ask for a conference and to wait for evidence of a Senate filibuster before deciding whether to accept the Senate bill. The House also could put South Africa provisions on an omnibus appropriations bill that must be cleared by Congress in September.

Reagan on Sept. 4 renewed for one year an executive order, No. 12532, imposing limited sanctions against South Africa, such as banning importation of South African Krugerrands. Aides said Reagan might later add minor sanctions in an effort to sustain his veto of whatever bill emerges from Congress. Reagan also is reported to be considering naming a senior black diplomat, Edward J. Perkins, as the new U.S. ambassador to South Africa. Perkins currently is ambassador to Liberia.

provision, which had been requested by FBI Director William H. Webster.

- The House bill exempts civilian intelligence employees of the military from many provisions of the civil service laws, thus putting them under the same personnel management system as employees of other intelligence agencies. The committee said the main effect of this provision would be to allow the military services to promote civilian intelligence specialists without having to make them supervisors. The services are losing intelligence specialists to the CIA and other civilian services, which can pay more money because of their exemptions from civil service regulations. The provision also authorizes the secretary of defense to fire civilian intelligence personnel, with his decision not subject to review or appeal. These provisions would apply to: 2,692 persons in the Army, 1,377 in the Navy and 1,671 in the Air Force, the panel said.

- The House bill allows the CIA and the National Security Agency to

pay for undergraduate college educations of employees in computer sciences, mathematics, engineering, foreign languages and other skills. The committee said the agencies have had difficulty competing with private companies for skilled technicians, especially minorities, and a scholarship program might improve their ability to attract employees.

- The House bill would put into permanent law a requirement enacted in 1985 that the congressional Intelligence committees must be notified of all "covert" or secret arms transfers valued at \$1 million or more. Under the provision, those arms transfers — such as the CIA's provision of weapons to anti-communist guerrilla groups in Afghanistan, Angola and elsewhere — would be considered a "significant anticipated intelligence activity." That is the technical term for covert actions that must be reported to Congress, although the Intelligence committees have no automatic power to block them. ■